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January 31, 2006

Via Telecopier (212) 805-6382
 Honorable Victor Marrero
 United States District Judge
 Southern District of New York
 40 Centre Street - Suite 414
 New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>1-31-06</u>

Re: Phoenix Bulk Carriers Ltd. vs.
 Kremikovtzi Trade a/k/a Kremikovtzi Trade Ltd.
 Civil Action No.: 05-CV-9559 (VM)

Dear Judge Marrero:

We represent GSIL Bulgaria S.A. in connection with the above matter. We are preparing to file a notice of restricted appearance on behalf of GSIL Bulgaria S.A. pursuant to Rule E(8) of the Supplemental Rules for Certain Admiralty and Maritime Claims. In the interim, we write to respectfully request that the Court schedule a pre-motion conference in this matter.

This is an admiralty and maritime action in which the Plaintiff has obtained an Ex Parte Order of Attachment from this Court pursuant to Rule B of the Supplemental Admiralty Rules. Plaintiff seeks to attach the Defendant's assets as security for certain charter party claims that are subject to London arbitration. GSIL Bulgaria S.A., a non-party to this action against which no claims have been asserted by Plaintiff, is the owner of approximately \$883,717.24 in funds wrongfully attached by Plaintiff as a result of bank error.

Rather than consenting to vacate this wrongful attachment, Plaintiff has taken the further, unwarranted step of serving a subpoena upon The Bank of New York on January 17, 2006 calling for, *inter alia*, testimony, and the

January 31, 2006
Page 2

production of documents, pertaining to GSHL Bulgaria S.A.'s banking activity and related correspondence from The Bank of New York's branch in London, England. The subpoena is returnable on February 8, 2006.

We respectfully request that this Court schedule a pre-motion conference for the purpose of discussing GSHL Bulgaria S.A.'s contemplated motion(s) to vacate the wrongful attachment of its funds and to quash or, in the alternative, modify the subpoena issued by Plaintiff to The Bank of New York.

It is our understanding that the Defendant, Kremikovtzi Trade a/k/a Kremikovtzi Trade Ltd., has not filed an Answer or otherwise appeared in this action.

We appreciate the Court's kind consideration of this request.

Very truly yours,



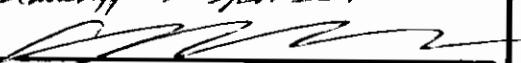
Simon Harter

cc: Via Telecopier (212) 425-1901

Peter Gutowski, Esq.
Freehill, Hogan & Maher LLP
Attorneys for Plaintiff

Plaintiff is directed to respond by 2-2-06 to the
request herein, setting forth the legal basis
for the action here described against the funds
of non-party, GSHL Bulgaria SA and against
The Bank of New York. In the event a conference is
necessary the Court will schedule it upon review of
SO ORDERED: Plaintiff's response.

1-31-06


VICTOR MARRERO, U.S.D.J.